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February 27, 2004

Honorable Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

In Re: Implementation of the Federal Communications Commission's Triennial
Review Order (Nine-month Proceeding) (Switching)
Docket No. 03-00491

Dear Chairman Tate:

Enclosed please find a CD-Rom and five (5) copies of James Webber's non-proprietary rebuttal testimony filed on behalf of MCI Metro Access Transmission Services, Inc. and Brooks Fiber Communications of Tennessee, Inc. (collectively "MCI") in the above referenced docket. Also enclosed is one (1) proprietary version of Mr. Webber's rebuttal testimony. Copies of the proprietary version of the rebuttal testimony have been served on all parties of record.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

Jon E. Hastings

JEH/th

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2004 a copy of the foregoing document was served on the parties of record, via electronically, US mail or hand delivery:

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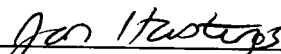
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Jon E. Hastings

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**Implementation of the Federal)
Communication's Commission's)
Triennial Review Order – 9 MONTH)
PROCEEDING – SWITCHING)**

**DOCKET NO.
03-00491**

REBUTTAL TESTIMONY OF JAMES D. WEBBER

ON BEHALF OF

**MCIMETRO ACCESS TRANSMISSION SERVICES, LLC
BROOKS FIBER COMMUNICATIONS OF TENNESSEE, INC**

February 27, 2004

CONFIDENTIAL DATA IDENTIFIED AS ** ____ **

1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS FOR THE**
3 **RECORD.**

4 A. My name is James D. Webber and my business address is: QSI Consulting, 4515
5 Barr Creek Lane, Naperville, Illinois 60564.

6 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

7 A. I am employed by QSI Consulting, Inc. as a senior consultant within the firm's
8 Telecommunication Division.

9 **Q. ARE YOU THE SAME JAMES D. WEBBER WHO FILED DIRECT**
10 **TESTIMONY IN THESE PROCEEDINGS?**

11 A Yes, I am

12 **Q. ON WHOSE BEHALF WAS THIS TESTIMONY PREPARED?**

13 A. This testimony was prepared on behalf of MCI metro Access Transmission
14 Services, LLC and Brooks Fiber Communications of Tennessee, Inc. (collectively
15 "MCI").

16 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

17 A. My testimony responds to various BellSouth witnesses who discuss: (1) the
18 geographic areas that would be affected by accepting BellSouth's proposal that
19 the Authority enter a finding of no impairment and (2) EELs.

20

21 **II. SUMMARY OF CONCLUSIONS**

22 **Q. PLEASE SUMMARIZE YOUR CONCLUSIONS.**

1 A. A brief summary of the issues addressed in my rebuttal is as follows:

- 2 • BellSouth's proposal to eliminate unbundled local switching ("ULS")
3 from certain wire centers throughout the state would affect most of the
4 UNE-P lines in the company's serving territory in Tennessee.
5 Approximately *** _____ *** percent of MCI's UNE-P based end user
6 lines are provisioned within the wire centers where BellSouth claims
7 CLECs are not impaired without access to ULS. Approximately 170,337,
8 or 83 percent, of all CLEC UNE-P lines are in these areas. A finding of
9 "no impairment" would require these lines to be migrated from UNE-P to
10 UNE-L, and, given the operational impairment that in fact exists, would
11 destroy UNE-P based mass market local competition in this State.
12
13 • Neither BellSouth's individual hot cut process nor its batch ordering
14 process permits CLECs to transfer retail or UNE-P lines to EELs. Hence,
15 as I will state in the Authority's companion hot cuts proceeding, the
16 Authority should require BellSouth to accommodate EELs in its individual
17 hot cut process and its batch process.
18

19 **III. BELLSOUTH'S PROPOSAL TO REMOVE ULS FROM NUMEROUS**
20 **WIRE CENTERS WILL AFFECT APPROXIMATELY 83% OF ALL**
21 **UNE-P BASED END USER LINES THROUGHOUT THE STATE**
22

23 **Q. HAVE YOU ANALYZED THE IMPACT OF REMOVING ULS IN THE**
24 **GEOGRAPHIC AREAS BELLSOUTH PROPOSES?**

1 A. Yes. BellSouth alleges that requesting carriers are not impaired without access to
2 ULS when attempting to serve mass market customers in 7 of the 24 "markets" it
3 has proposed this Authority define within the context of these proceedings.¹ Ms.
4 Tipton claims that ULS should be removed from 4 of these areas based upon the
5 alleged presence of "triggering" carriers, while Dr Aron and other BellSouth
6 witnesses claim ULS should be removed in 3 additional areas based upon the
7 "potential" that carriers could deploy facilities to serve the mass market in those
8 areas.² Denying CLECs access to ULS in these areas would affect virtually all of
9 the UNE-P lines in BellSouth's service territory. For example, more than
10 *** _____ ***, or approximately *** _____ ** percent, of MCI's UNE-P lines are
11 in wire centers within the 7 areas where BellSouth claims there is no impairment.
12 And approximately 170,337, or 83 percent, of all CLEC UNE-P lines are served
13 from within these areas³

14 **Q. ARE CLECS CURRENTLY ABLE TO ACCESS CUSTOMERS WITHOUT**
15 **ULS?**

16 A. No. Setting aside questions regarding operational issues and the economic
17 practicability of serving residential and smaller business customers via UNE
18 loops, CLECs cannot currently reach their current customer base throughout most
19 of the state without access to ULS. MCI's local customers, for example, are
20 spread throughout wire centers across the state, but MCI has collocations serving
21 only a relatively small number of these areas. Lacking collocation or some other

¹ BellSouth's market definition takes into account both the CEA and UNE rate zone in which the wire center is located

² See Exhibit PAT-3 and Dr Aron's Direct Testimony at page 6

³ Total UNE-P based line counts are taken from BellSouth's response to AT&T Interrogatory No. 55 in Georgia PSC Docket No. 17749-U

1 method of physically accessing customer loops, such as EELs (with
2 concentration, if requested), coupled with a seamless hot cut process capable of
3 handling large volumes of both inbound and outbound customer movement, MCI
4 cannot offer services to most of its embedded base of customers without access to
5 ULS. CLECs, including MCI, thus are currently dependent on ULS to serve the
6 mass market

7 **Q. IN HOW MANY OF THE WIRE CENTERS FOR WHICH BELL SOUTH**
8 **CLAIMS "NO IMPAIRMENT" IS MCI CURRENTLY COLLOCATED?**

9 A. Exhibit JDW 4 identifies the wire centers where MCI currently provides UNE-P
10 based services and where BellSouth claims CLECs are not impaired without ULS.
11 There are approximately *** _____ *** such wire centers. The map also identifies
12 *** _____ *** wire centers in which MCI is currently collocated, leaving
13 *** _____ *** wire centers from which MCI could not access its customers unless
14 it were able to build out additional collocation and transport facilities or gain
15 access to EELs (with concentration, if requested) coupled with an efficient batch
16 hot cut process.

17 **Q. HAS BELL SOUTH CLAIMED THAT TRANSPORT TO AND FROM ANY**
18 **OF THOSE *** _____ *** WIRE CENTERS SHOULD BE UNAVAILABLE**
19 **TO REQUESTING CARRIERS?**

20 A. In all likelihood, yes. BellSouth is expected to identify a number of transport
21 routes throughout the State where it will seek to no longer be required to provide
22 access to its network. BellSouth probably will claim that it should not have to
23 provide transport from some of those *** _____ *** wire centers. If BellSouth

1 were to prevail with respect to any of these routes, it would no longer be possible
2 for CLECs to use EELs or BellSouth unbundled transport to support mass market
3 customers from those wire centers.

4
5 **IV. BELLSOUTH FAILS TO DEMONSTRATE THAT CLECS CAN USE**
6 **EELS TO SUPPORT MASS MARKET UNE-L**

7 **Q. DOES THE BACE MODEL RELY UPON THE AVAILABILITY OF**
8 **EELS?**

9 A Yes. In fact, according to BellSouth witness Milner, two of the three architectures
10 BellSouth's BACE model assumes CLECs will rely on to access customers
11 assume they are able to use EEL connectivity either in lieu of collocation and
12 transport facilities or in coordination with such facilities.

13 **Q. ARE EELS WIDELY USED TODAY IN BELLSOUTH'S SERVICE**
14 **TERRITORY?**

15 A. No. By BellSouth's own admission there are only 14 EELs comprised of DS0
16 loops throughout its service territory in this state. (See BellSouth's response to
17 MCI Interrogatory 109). Thus, the BACE model relies on network architectures
18 and processes that are completely unproven in the market.

19 **Q. DOES BELLSOUTH'S INDIVIDUAL OR BATCH HOT CUT PROCESS**
20 **ALLOW CLECS TO TRANSFER CLEC UNE-P LINES OR BELLSOUTH**
21 **RETAIL LINES TO EELS?**

22 A No. BellSouth has acknowledged that it does not currently provide individual or
23 batch migrations of existing UNE-P or DS0 loops to EELs. Although BellSouth

1 has stated that it plans to implement processes that would support such
2 migrations, the target implementation date is July 2004 and BellSouth has not
3 provided any significant details on what the processes will be.

4 **Q. DOES THE FCC's *TRO* PROVIDE ANY GUIDANCE REGARDING**
5 **CLECS' USE OF EELS TO SERVE MASS MARKET CUSTOMERS?**

6 A Yes. For example, at paragraph 492 of the *TRO*, the FCC states that EELs can
7 minimize collocation costs and increase the geographic reach of competitive
8 LECs, thereby facilitating the expansion of competition based on UNE-L
9 strategies in some markets

10 **Q. HOW SHOULD BELL SOUTH'S PROCESSES AND REQUIREMENTS BE**
11 **CHANGED TO MAKE EELS USEFUL TO CLECS?**

12 A. As I discussed in my Direct Testimony, BellSouth should be required to provide
13 concentrated EELs that would enable CLECs to lease only the transport they need
14 to support their customers. Moreover, as I will state in my testimony in the
15 Authority's companion hot cuts proceeding, to make EELs useful, CLECs should
16 be allowed to submit an LSR that requests a loop housed in BellSouth Central
17 Office A, for example, to be "hot cut" to a collocation facility (designated by a
18 specific CFA) in Central Office B. When BellSouth receives such an order, it
19 should provision on the CLEC's behalf, as part of its hot cut pre-wiring function,
20 a DS0 EEL extending from Central Office A to the CLEC's CFA in Central
21 Office B. All ANI testing should be completed via the DS0 EEL. On the day of
22 the cut, BellSouth should cut the requested loop to the EEL so that CLEC dial

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1 tone from its collocation in Central Office B is provided to the customer's loop
2 located in Central Office A.

3 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

4 **A.** Yes, it does

EXHIBIT JDW-4

**THIS EXHIBIT CONTAINS PROPRIETARY
AND CONFIDENTIAL INFORMATION**